

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Case No. 24-30760
Chapter 7
Minnesota Implant Center, P.L.L.C.,
Debtor.

**MEMORANDUM OF LAW SUPPORTING THE TRUSTEE’S MOTION FOR ORDER
AUTHORIZING 2004 EXAMINATIONS**

The trustee submits this memorandum of law in support of her motion for an order authorizing 2004 examinations.

FACTUAL BACKGROUND

The trustee incorporates the facts as set forth in the notice of motion by reference.

LEGAL ARGUMENT

Rule 2004 of the Federal Rules of Bankruptcy Procedure provides that a court may order an examination of “any entity.” Fed. R. Bankr. P. 2004(a). Rule 2004(c) authorizes using the court’s subpoena power pursuant to Rule 9016 to compel the production of documents. Any interested party may seek a Rule 2004 examination which relates to “the acts, conduct, or property or to the liabilities and financial conditions of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.” Fed. R. Bank. P. 2004(b). The scope of inquiry under Rule 2004 is broad and great latitude is ordinarily permitted. *See In re Symington*, 209 B.R. 678, 682-84 (Bankr. D. Md. 1997).

The purpose of Rule 2004 is to give “parties in interest an opportunity to examine those individuals having knowledge of the financial acts and affairs of a debtor.” *In re GHR Energy Corp.*, 35 B.R. 534, 536 (Bankr. D. Mass. 1983); *see also Longo v. McLaren (In re McLaren)*, 158

B.R. 655, 657 (Bankr. N.D. Ohio 1992). Rule 2004 affords the examiner an even broader inquiry than that afforded by the discovery rules set forth in the Federal Rules of Civil Procedure, which themselves contemplate broad and easy access to discovery.

Here, the trustee seeks to examine Dr. Kamel in connection with the business operations of the debtor and regarding transfers of the debtor's property. The trustee seeks to examine Ms. Simonetti in connection with transfers of the debtor's property that she may have received. The trustee seeks to examine Wells Fargo Bank and American Express to obtain account records of the debtor. The trustee seeks to examine De Lage Landen Financial Services, ChoiceHealth Finance, QL Titling Trust, OneView Finance, Funding Metrics and CloudFund to obtain loan documents and to analyze the security interest, if any, in the personal property of the debtor. The examinations and related document requests relate to the acts, conduct, and property or to the liabilities and financial conditions of the debtor, and fall within the parameters set forth by bankruptcy courts and Rule 2004.

CONCLUSION

For the reasons set forth in the motion and in this memorandum, the trustee respectfully requests that the motion be granted.

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